

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1695

January 28, 2014

SUMMARY OF ORIGINAL BILL: Requires anyone convicted of aggravated child neglect or endangerment to serve 90 percent of the sentence imposed. Sentence reduction credits may reduce the percentage, but not below 75 percent.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$66,600/Incarceration*

SUMMARY OF AMENDMENT (011716): Deletes all language after the enacting clause. Requires anyone convicted of aggravated child neglect or endangerment to serve 85 percent of the sentence imposed. Sentence reduction credits may reduce the percentage, but not below 70 percent.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$43,600/Incarceration*

Assumptions for the bill as amended:


- Current law requires anyone convicted of aggravated child neglect or aggravated child endangerment to serve no less than 55 percent of the sentence received.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2014 is \$66.29.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- According to the DOC, there has been an average of two admissions each year for aggravated child neglect of a child less than six years of age, a Class A felony, for the past three years.
- According to statistics from the DOC, the average sentence for aggravated child neglect of a child less than six years of age is 21.5 years. The average time served for a Class A felony is 15.78 years.
- The proposed legislation would require each offender to serve no less than 70 percent of his/her sentence, or 15.05 years ($21.5 \text{ years} \times 0.70 = 15.05$).

- There will be no impact from requiring an offender to serve at least 70 percent of the sentence imposed for aggravated child neglect as the average offender is already serving more than 70 percent of the sentence.
- According to the DOC, there has been an average of 0.7 admissions each year for aggravated child endangerment, a Class B felony, for the past three years. Under current law, anyone convicted of aggravated child endangerment must serve at least 55 percent of the sentence received.
- The DOC has no data on the average sentence or the average time served for aggravated child endangerment.
- The average time served for a Class B felony is 5.29 years. It is assumed the average sentence for aggravated child endangerment is 12 years, which is the maximum sentence for a Class B, Range I offender and the minimum sentence for a Class B, Range II offender.
- It is assumed that under current law, each offender is serving 6.6 years ($12 \times 0.55 = 6.6$). The proposed legislation would require each offender to serve no less than 70 percent of his/her sentence, or 8.4 years ($12 \text{ years} \times 0.70 = 8.4$). The result is an increase in the average time served of 1.8 years ($8.4 \text{ years} - 6.6 \text{ years}$).
- A recidivism discount of 33.75 percent applies, but due to the low number of aggravated child endangerment admissions added by this legislation, the recidivism discount does not impact the incarceration cost for aggravated child endangerment under the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving an additional 1.8 years (657.45 days) for a total of \$43,582 ($\$66.29 \times 657.45 \text{ days}$).
- The total additional incarceration cost is \$43,582.
- Any increase in caseloads for the District Public Defenders Conference can be accommodated within existing resources.
- It is assumed that there will be no impact on the District Attorneys General Conference (DAGC) because of the low number of admissions each year for aggravated child neglect or endangerment. The DAGC will be able to accommodate any increase within existing resources.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increase appropriation or reduced reversion.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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